



# Office of Missouri Attorney General Jeremiah W. (Jay) Nixon

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## Mission Possible

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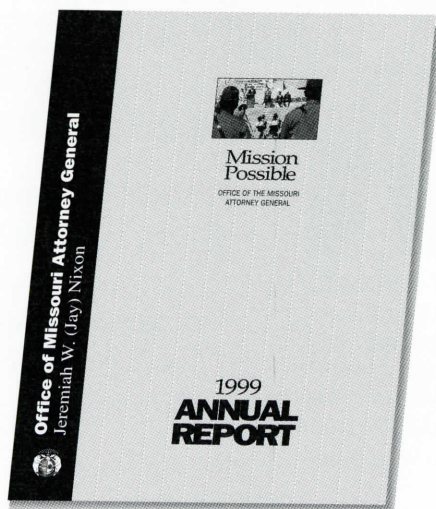
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## 1999 ANNUAL REPORT





**FROM**

**MISSOURI  
ATTORNEY  
GENERAL  
JEREMIAH W.  
(JAY) NIXON**

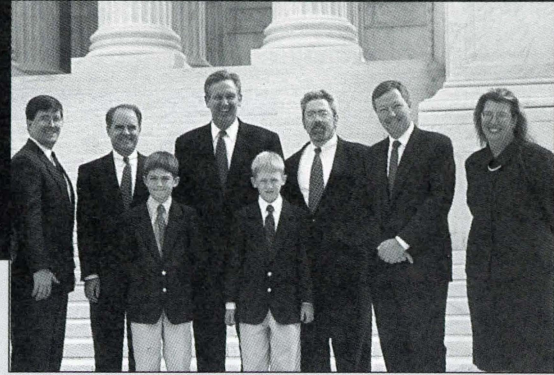




# Mission Possible

## The 1999 Annual Report OF THE MISSOURI ATTORNEY GENERAL

*The mission of the Missouri Attorney General's Office is to protect and advance the interests of the State and its citizens through the judicial and legislative process and to serve as the People's lawyer, fighting for openness and justice, especially for those who have no voice.*



**LITIGATION TEAM:** Attorney General Nixon (third from left, back) gathers his team following arguments to limit campaign contributions before the U.S. Supreme Court. In front are his sons Will and Jeremy. Behind are from left: state attorneys Paul Maguffee and Jim Layton, Nixon, Paul Wilson, Carter Phillips and Deputy Attorney General Karen Mitchell.

**IN THIS ANNUAL REPORT**, the last of the century, we review the activities and accomplishments of 1999 and focus on our mission for the 21st century. This publication outlines the specific mission of each of our seven divisions as well as the overarching mission of the Office of the Attorney General.

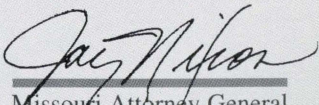
*To protect and advance the interests of our state and to serve as the people's lawyer is a challenging and worthy mission. Our activities and successes in 1999 allow me to be confident this mission is possible and will be fulfilled. Let me give two specific examples:*

■ **In October 1999**, I personally argued in the U.S. Supreme Court to uphold Missouri's law limiting campaign contributions. This was a difficult case and one many felt could not be won at this point in the history of campaign finance reform. The naysayers were wrong and in January 2000 the Supreme Court ruled to uphold Missouri's campaign limits. Missourians feel strongly about this good government issue and I am proud that our hard work supports their endeavor to reform the political process. The victory for Missouri in *Nixon v. Shrink* is a victory nationally for those who support campaign reform. **In this case we have indeed advanced the interests of the state and its citizens.**

■ **During the past** three years, our office has been involved in a complex and lengthy battle involving the assets of Blue Cross/Blue Shield Insurance Co. Through courtroom battles and negotiating sessions and with the consultation and support of more than 100 consumer groups, we remained firm in our demand that any settlement be used to improve access to quality health care for Missourians in need. In January 2000, our office reached a historic settlement creating the state's largest health care foundation. The new Missouri Foundation for Health will be dedicated to meeting the health care needs of the uninsured and underinsured in St. Louis and 85 counties. This new foundation is funded by \$12.8 million in cash and 15 million shares of Right Choice


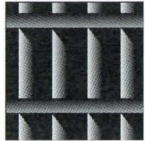

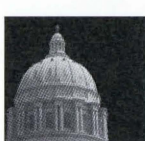



managed care valued at \$250 million. **In this case we see the real value of standing up for those who have no voice ... of serving as the people's lawyer.**

These two recent cases and the many outlined on the following pages provide outstanding examples of why I am confident that *indeed, our mission is possible.*

  
Missouri Attorney General



# INSIDE

	<b>CHAPTER</b>	<b>PAGE</b>
<b>1</b>	<b>Consumer Protection Division</b>	<b>6</b>
	<b>CHAPTER</b>	
<b>2</b>	<b>Criminal Appeals Division</b>	<b>10</b>
	<b>CHAPTER</b>	
<b>3</b>	<b>Environmental Protection Division</b>	<b>12</b>
	<b>CHAPTER</b>	
<b>4</b>	<b>Governmental Affairs Division</b>	<b>16</b>
	<b>CHAPTER</b>	
<b>5</b>	<b>Labor Division</b>	<b>18</b>
	<b>CHAPTER</b>	
<b>6</b>	<b>Litigation Division</b>	<b>20</b>
	<b>CHAPTER</b>	
<b>7</b>	<b>Public Safety Division</b>	<b>22</b>
<b>1999</b>	<b>CHAPTER</b>	
<b>8</b>	<b>1999 cases: A Year in Review</b>	<b>26</b>

## CREDITS

**Stacey Hall** coordinated and compiled information for the 1999 Annual Report.

**Peggy Davis** compiled information and designed the publication.




**DIVISION MISSION**
**TO PROMOTE**

a free, fair and open marketplace by aggressive enforcement of Missouri's consumer protection laws and by advocating for consumers and educating the public.

## Internet actions increase

Consumer attorneys monitored the Internet for individuals and businesses that violated state consumer fraud laws. Among the cases:

### Pharmacy pays for illegal sales

Consumer attorneys stopped a Texas-based pharmacy from using the Internet to illegally sell prescription drugs to Missourians. A pregnant woman used the Web site to obtain Propecia, a drug known to be dangerous for pregnant women. The pharmacy must pay restitution to consumers and \$15,000 in penalties and costs.

### Brewery banned

In a widely watched case, a judge ruled that Beer Nuts Ltd., an Internet distributor of microbrewery beer, violated state law for selling liquor to a minor and selling without a

Missouri license. Beer Nuts was banned from selling liquor in Missouri until it obtains a license. The company's Web site accepted a credit card order from an under-aged intern.

### Gambling appeal denied

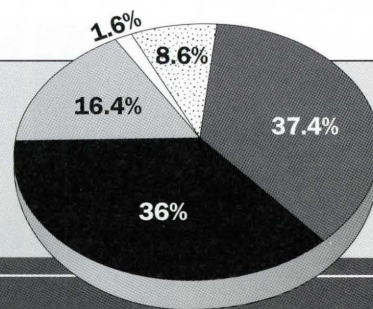
Consumer attorneys won another round in their battle against illegal Internet gaming. A judge ruled that a federal law allowing tribes to conduct gaming on Indian land did not apply in two suits against an Idaho tribe offering online gambling to Missourians. The judge upheld the state's position that gambling occurs in Missouri where the bettor is and not on the tribe's reservation.

### eBay con artist sentenced

A 17-year-old from Neosho pleaded guilty to criminal charges after using the Internet auction site eBay to defraud consumers. Donald Marriott took almost \$6,000 from consumers for computer equipment he did not have or intend to send to the buyers. He was ordered to pay full restitution, complete 200 hours of community service and serve five years' probation.

### Recovering money

The Consumer Protection Division recovered more than \$6.1 million from companies and individuals accused of defrauding Missourians.



#### WHERE THE MONEY WENT:

**\$2.28M in restitution** to consumers from mediation

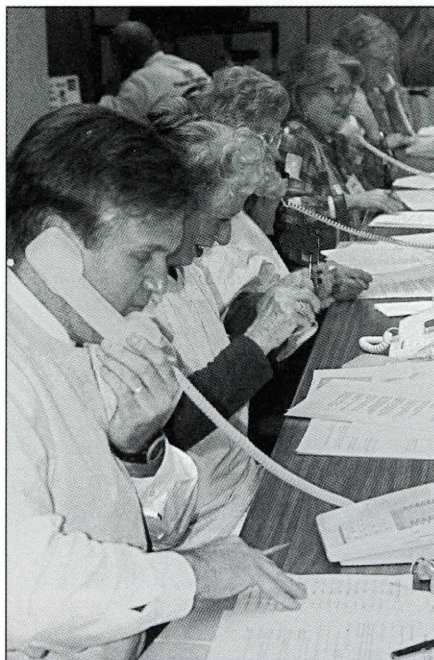
**\$2.2M in restitution** to consumers from legal action

**\$1M in payments** to a state fund used for consumer education and enforcement

**\$524,177** for antitrust enforcement

**\$99,868 in civil penalties** to public schools as required by the state constitution





### CONSUMER FRAUD WARNING

Attorney General Nixon (left) joined other consumer division staffers and representatives of the American Association of Retired Persons and Southwestern Bell in a reverse boiler room in Kansas City. Malcolm Buxton (above) and others called Kansas City-area residents about charity scams.

### THE DIVISION

represents the state in consumer fraud cases such as:

- Criminal prosecution of businesses that defraud consumers through the advertising and sale of products or services.
- Securities fraud.
- Antitrust matters.

## Consumers protected

### Con artist to prison

A vending-machine business promoter in Kansas City North was sentenced to 10 years in prison for defrauding investors.

Harold E. Estes pleaded guilty to 10 charges of unlawful merchandising practices brought by a grand jury at the request of consumer attorneys.

Attorneys charged that Estes falsely advertised that vending-machine operators could make tens of thousands of dollars in profits. Investors lost about \$500,000.

### Scam artist sentenced

George Lester Fogle was sentenced to seven years in prison for defrauding an 86-year-old Ozark woman in a driveway repair scam.

Fogle pressured the woman into giving him her checkbook and \$900 in cash for unauthorized work that had little or no value.

### Travel company sued

Consumer attorneys sued a group of businesses for using deceptive and illegal contests, solicitations and sales presentations to market travel services and timeshare memberships.

Consumers each had paid up to \$5,000 to the businesses, which often used the name New Horizons.

### Kansas City charity pays

Children's International, a children's charity in Kansas City, agreed to stop misleading solicitations, such as not accurately depicting children's living conditions.

It also donated \$30,000 to Operation Breakthrough, a nonprofit day care serving 250 disadvantaged children in Kansas City.

Children's International solicits consumers nationwide to sponsor poor children in other countries.

## Investors protected

### Man charged with securities fraud

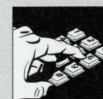
A Springfield-area man was charged with securities fraud for operating a \$6 million environmental scheme that paid early investors with money paid by later investors.

Dale McCurry allegedly told investors he was operating a successful business that purchased "waste-eating micro-bacterial bugs."

### Blue Springs man guilty

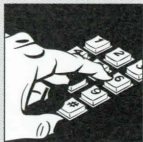
A Blue Springs man pleaded guilty to five felony counts of stealing and was sentenced to seven years in prison.

Larry Vickers took money from investors, saying he would buy letter jackets and sell them at a profit to high school booster clubs. Vickers instead spent the money on himself and gambling.



**Consumer  
Protection  
Division**





## Antitrust action promotes competition in Missouri

Consumer attorneys enforce state and federal antitrust laws to ensure Missouri consumers and businesses enjoy the lower prices, higher quality and greater selection resulting from competition. Cases in 1999 included:

### Drug company pays for hiding information

Knoll Pharmaceutical Co. agreed to pay Missouri more than \$1 million to resolve a multistate suit. Knoll suppressed information that a less expensive generic drug worked as well as Synthroid, a popular thyroid hormone replacement drug made by the drug company.

### Toy makers pay nearly \$1M

Missouri received \$909,678 in cash and toys in a multistate settlement with Mattel, Little Tikes and Toys R Us.

The suit alleged Toys R Us pressured the toy makers into an agreement to restrict distribution of some popular toys to warehouse clubs, resulting in higher prices for consumers. Hasbro, another defendant in the lawsuit, agreed in 1998 to give \$118,402 in cash and toys to Missouri.

### Radio waves kept competitive

Zimmer Radio agreed to sell two Jefferson City radio stations and an FM signal license to resolve anti-competitive concerns over Zimmer's proposed acquisition of several radio stations in central Missouri.

## Sweepstakes sued, consumers refunded

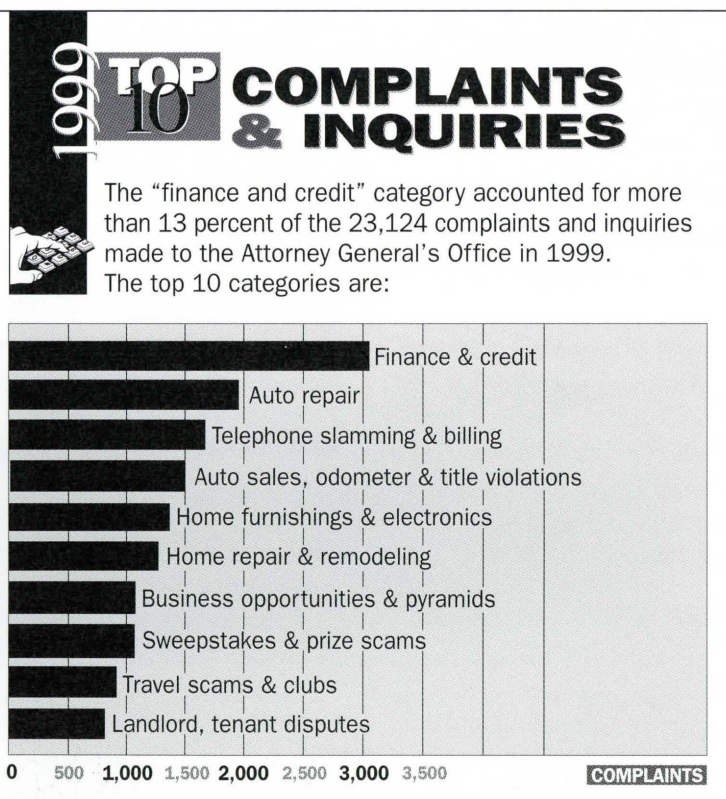
### Publishers Clearing House sued for deception

Consumer attorneys sued sweepstakes giant Publishers Clearing House for using deceptive sweepstakes mailings to defraud Missourians of millions of dollars and targeting those who already had been misled.

The suit alleges the mailings led consumers to falsely believe they had a better chance of winning and making a purchase would increase their chances of winning.

### American Family pays \$265,000

American Family Publishers agreed to pay \$215,000 to consumers and \$50,000 to the state to resolve allegations that its promotions were deceptive and misleading. The company also agreed to substantially change the wording of its mailings.





## IN THE NEWS

# Nixon blocks online microbeers

BY TIM BRYANT  
Of the Post-Dispatch

Motorists can say so long to tobacco billboards

Marlboro Man, Joe Camel are to vanish by midnight

By KIM BELL  
Post-Dispatch Jefferson City Bureau

Use your computer to summon www.hoghead.com off the Internet and you'll find this notice: "This service is currently unavailable in Missouri."

That's because Attorney General Jay Nixon has obtained a court order that, for now, blocks Hog's Head Beer Cellars from selling microbeers online to customers in Missouri.

Nixon alleged in 1997 that Hog's Head, of Greensboro, N.C., was violating Pr. Miss.

Internet, follow state laws."

St. Louis Circuit Judge Philip Heagney issued an injunction Wednesday, requiring Hog's Head to stop selling beer to Missouri customers until it gets a Missouri license.

Beer Nuts Ltd., the company that operates Hog's Head, argued that a Missouri court has no jurisdiction over its sales. Company officials and their attorney in Kansas City were not available Thursday.

In his order, Heagney said that

## State pursues Internet pharmacies that sell drugs without consultation

Nixon: Buying prescription drugs online not safe

The Associated Press

JEFFERSON CITY, Mo. — Missouri has joined a handful of states taking legal action against online pharmacies that fill prescriptions without consultation.

The state used a sting operation to get the Pill Box Pharmacy, Lisa Meiners, assistant attorney general, used the name "Cunningham" to go shopping on the Internet in June.

After "John" filled out an online consultation form and a liability waiver, a Texas doctor wrote a prescription for 30, 1-miligram tablets of Propecia, a drug used to treat male pattern baldness.

## Nixon: Firms to pay \$1.2 million to state

Attorney General Jay Nixon announced Missouri will receive more than \$1.2 million for restitution.

The largest states claim millions in restitution from businesses that have defrauded consumers.

JEFFERSON CITY—Missouri Attorney General Jay Nixon recently announced he is opposed to the proposed acquisition of Continental Grain by Cargill Inc. unless the U.S. Department of Justice requires a divestiture of Continental Grain's buying facility in the Missouri Bootheel, south of Caruthersville.

Nixon said the acquisition would bring additional consolidation in the agricultural industries, a situation that

attorney in our Missouri and in the federal court in California.

The attorneys in our Missouri and in the federal court in California.

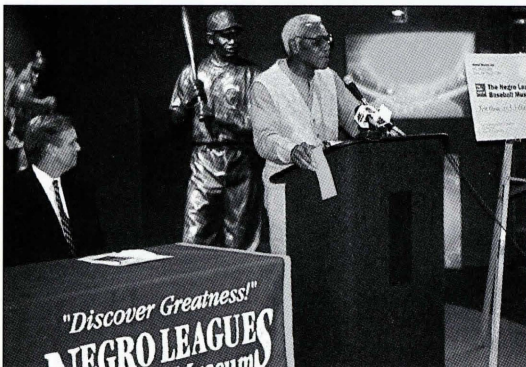
## Nixon sues 2 HMOs

ST. LOUIS (AP) — Two health maintenance organizations are accused in separate lawsuits of failing to test some St. Louis-area children for lead poisoning.

## Attorney General Nixon opposes Cargill's acquisition of Continental Grain; cites bad effects for Bootheel

"By transferring the Continental facility in that area to Cargill, the new company would control at least half of the market and dangerously reduce the level of competition for river barge transportation." — Attorney General Jay Nixon.

## Donation from settlement to sports museum



Museum board chairman Buck O'Neil speaks after accepting a \$10,000 check from Nixon.

Attorney General Nixon directed a \$10,000 settlement to the Negro Leagues Baseball Museum in Kansas City. The money came from a settlement with Trade Life Books.

Nixon presented the check to Buck O'Neil, the museum's board chairman and former first baseman and

manager of the Kansas City Monarchs.

Consumer attorneys had sued Trade Life after it falsely represented that some proceeds from the sale of a book about St. Louis Cardinals slugger Mark McGwire would benefit McGwire's Foundation for Children.

## Training others

Division employees presented consumer education programs to numerous groups including:

- State and county fairs
- AARP
- 55 Alive
- Optimist Club
- Chamber of Commerce
- City of Arnold
- Clark Nutrition Center
- Church groups
- St. Anne Community Center
- SALT (Seniors and Lawmen Together)
- Palmrya Nutrition Center
- Cuba, Hazelwood, Hickman, Bayless high schools
- Warrensburg Welfare to Work program
- UAW/Chrysler Region 5 Training Center
- Department of Labor & Industrial Relations retirement seminars

## Attorney General Nixon (right)

shows off the newly revamped traveling exhibit where consumers can see products hawked by scam artists and pick up consumer information.

The Consumer Protection Division takes the exhibit to fairs and festivals throughout the state. The exhibit and consumer publications are funded by penalties obtained by the office against businesses and individuals who have defrauded others.



Consumer Protection Division



DIVISION  
MISSION

**TO UPHOLD** the punishment of those lawfully convicted of crimes, to safeguard and refine the criminal law of this state in the interests of justice, and to educate, coordinate and communicate with prosecutors, judges, law enforcement agencies and victims.

## Criminal attorneys get convictions upheld

Criminal attorneys successfully fought to uphold the convictions of inmates serving death and life imprisonment sentences:

■ **John Middleton:** Received three death sentences for murders committed in Harrison and Grundy counties to cover up his drug activities.

■ **Carmen Deck:** Sentenced to die for murdering James and Zelma Long of Jefferson County. Deck knocked at the couple's door saying he needed directions. Once allowed inside, he forced the couple to lie face down on a bed and shot them in the head.

■ **Cecil Clayton:** On death row for murdering Barry County deputy sheriff Charles Castetter. Clayton shot Castetter at point-blank range when the deputy responded to a domestic disturbance call involving Clayton.

■ **James Scott:** Sentenced to life in prison for the felony of causing a catastrophe. Scott broke the Mississippi River levee near Hannibal during the 1993 flood because he wanted his girlfriend stranded on the other side of the river so he could "party" with someone else.

■ **Christopher Santillan:** Convicted of first-degree murder and sentenced to life without parole for killing a high school friend. Santillan, a student at an affluent high school in St. Louis County, lured his friend to an isolated location late at night and shot him to death.

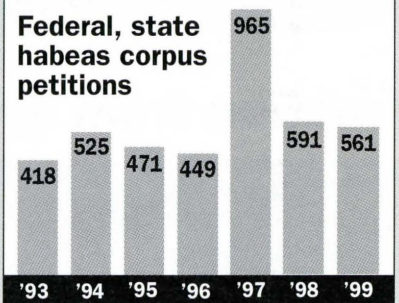
■ **Rodney Evans:** Sentenced to life without parole for murdering his wife who was found floating in their swimming pool in Nixa. He claimed she died by accident.

■ **Tomas Ervin and Bert Hunter:** Both on death row for entering the home of a Jefferson City mother and son and murdering them.

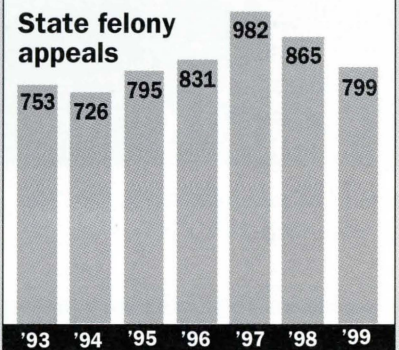
### Cases assigned\*

Criminal attorneys were assigned more than 1,360 cases. Habeas corpus petitions filed by inmates continued to drop in 1999, after a surge of filings in 1997. New federal laws required inmates to more quickly file petitions starting in 1997.

**Federal, state habeas corpus petitions**



**State felony appeals**



\* Among litigation cases not included:

- Rule 29.15 appeals consolidated with direct felony appeals
- Transfers of appeals to state Supreme Court
- Petitions for writ of certiorari filed in U.S. Supreme Court from state or federal rulings
- Appeals from federal habeas corpus petitions before 8th Circuit

## Training others

Criminal appeals attorneys provided educational training to numerous organizations including:

- County prosecutors
- Highway Patrol Academy
- Missouri Victim Assistance Network
- Missouri Bar





## VICTIM RIGHTS

### Attorney General

Nixon was among state officials speaking during National Crime Victims Rights Week in April. A ceremony was held at the State Capitol where victims and crime victim advocates also spoke for more victim rights in Missouri.

## THE DIVISION

represents the state in every felony case appealed to the state Supreme Court and Missouri Court of Appeals, or reviewed by the U.S. Supreme Court.

# Nine murderers executed in 1999

■ **Kelvin Malone:** Shot to death a 62-year-old St. Louis cab driver in 1981.

■ **James Rodden:** Murdered his roommate and a Marshall woman in 1983.

■ **Roy Roberts:** Held a Moberly corrections officer by his hair while two other inmates stabbed the officer to death.

■ **Roy Ramsey:** Shot and killed a Grandview couple during a robbery with his brother.

■ **Ralph Davis:** Murdered his wife in Columbia in 1986 three weeks after she filed assault charges against him.

■ **Jessie Wise:** Killed a Clayton woman when she refused to pay him in advance to wash and wax her car.

■ **Bruce Kilgore:** Stabbed to death a St. Louis woman in 1986.

■ **Robert Walls:** Murdered an 88-year-old St. Louis man in 1985. He bound and beat the man and stuffed him into a freezer.

■ **David Leisure:** Killed a man with a car bomb in 1980 during a struggle to control organized crime in St. Louis.

## Division successfully defends DWI murder convictions

State appeals courts continued to uphold the felony murder convictions of repeat drunken drivers who kill.

■ The second-degree murder conviction of **Robin Mayer** was upheld. The Jefferson County man was sentenced to 42 years and six months in prison for driving drunk and causing a passenger's death. He had multiple prior convictions for driving while intoxicated and had killed another person in a crash.

■ The second-degree murder conviction of **Richard Brown** also was upheld. The Jefferson

City man was sentenced to 30 years for causing a wreck that killed a law student and injured the student's fiancée.

These victories follow a precedent-setting case won by criminal appeals attorneys in 1998 in which the court upheld the conviction of the first person in Missouri to be found guilty of murder in a drunken driving crash. In the past, these drivers usually faced involuntary manslaughter convictions.

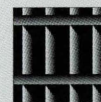
These victories have been hailed by MADD and other victim groups as a major win.

## Felony animal abuse conviction reinstated

The state appeals court reinstated the felony animal abuse conviction of a Jackson County man after division attorneys appealed the case.

Matthew Roberts killed a dog by beating it with a stick, breaking all of its ribs and sodomizing it with a garden hose.

The trial judge had reduced Roberts' conviction to misdemeanor animal abuse.



**Criminal  
Appeals  
Division**





## DIVISION MISSION

### TO LEAD

all public agencies and concerned citizens in maximizing the beneficial use of Missouri's natural resources by enforcing environmental laws and advocating sound environmental policies.

1999  
**ANNUAL  
REPORT**

# Environmental attorneys target pollution on corporate farms

## Loophole in state odor law closed

The state's largest animal feeding operations no longer will be able to use a loophole in the state law to avoid air regulations.

These megafarms will be subject to state regulations starting in 2002 under a rule adopted by the Missouri Air Conservation Commission.

The decision followed urging by division attorneys and a 16-month study on whether corporate farms should follow the same odor regulations as other industries. About 20 hog, poultry and dairy operations will be affected.

## State hosts conference on megafarms

Jay Nixon and the National Association of Attorneys General co-hosted a national summit in Kansas City on corporate farms and the resulting environmental problems.

The summit featured presentations by division attorneys and speakers from the EPA, U.S. Department of Agriculture, corporate farming industry and other state attorneys general offices.

Nixon, the keynote speaker, said corporate hog farms should be required to implement waste treatment to protect Missourians and the environment.



**A state investigator takes a sample from the PSF-polluted Spring Creek in Sullivan County.**



## Premium Standard pays record fine

Premium Standard Farms must pay \$1 million, the largest fine ever recovered from a concentrated animal feeding operation, and invest \$25 million in waste treatment technology within five years.

The settlement resolves the state's lawsuit against the hog producer for numerous environmental violations.

A team of experts must approve the waste treatment technology.

## Murphy Farms pays for violations

Murphy Family Farms, the country's second-largest hog producer, paid \$35,000 to resolve allegations it violated the state Clean Water Act by failing to get permits for several of its farms.

## County can regulate megafarms

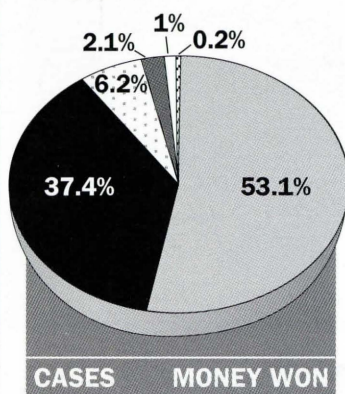
Environmental attorneys wrote a friend-of-the-court brief supporting the Linn County Commission's ability to enact ordinances regulating megafarms. The court upheld the ordinance, ruling that state law gave counties local control over corporate farms and the ordinance did not conflict with state law.



# Victories protect state water, soil

## Paying for damage

The Environmental Protection Division won or favorably settled more than 95 percent of its cases in 1999. It collected more than \$4.5 million in penalties, damages and investigative costs. More than half the money came from hazardous waste violations.



CASES	MONEY WON
Hazardous waste	\$2,418,702
Water	1,702,444
Air	283,261
Underground storage tanks	97,401
Land reclamation	44,670
Solid waste	10,916

Environmental attorneys worked to protect Missouri's natural resources. Cases in 1999 included:

### Plant agrees to clean up contaminated soil

FAG Bearing Corp. agreed to eliminate the probable carcinogen trichlorethylene from soil at its plant in southwest Missouri. FAG also reimbursed DNR \$550,000 for past response costs.

A federal judge ruled that FAG was the source of the TCE contamination, which the company had denied for nearly eight years.

### Landfill owner sued

Environmental attorneys sued the owner of a closed landfill near Big Surf Water Park in Camden County for violating the state Solid Waste Management Act. Methane gas, which can be explosive, had migrated up to 1,500 feet beyond the border of the landfill.

### Plattsburg must clean up public water supply

The city of Plattsburg was ordered to immediately clean up its water supply after tests showed possible bacteria contamination. Three city employees were indicted on federal charges for felony environmental violations. The water system serves more than 7,000 people.

### Burlington will pay state \$1.4 million

The court approved a settlement in which Burlington Northern railroad agreed to pay the state \$1.4 million in penalties and damages and clean up several lead-contaminated sites in Crawford County.

The sites, discovered in 1994, were polluted with waste cleaned from railcars.

Burlington also pleaded guilty to federal charges on the matter and was ordered to pay \$10 million in fines to the state and federal government. The railroad also agreed to spend \$9 million in cleanup costs.

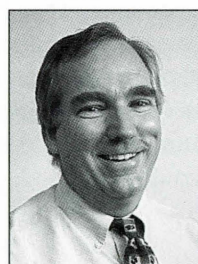
## THE DIVISION

aggressively protects Missouri's natural resources. Attorneys take legal action to stop pollution of the state's air, water and soil and penalize polluters through fines, penalties and in the most serious cases, incarceration.

## Division, leader awarded

Chief Counsel Joe Bindbeutel and his Environmental Protection Division received the 1999 Governor's Award for Quality and Productivity as part of the Environmental Management Institute Team.

The team helps leaders of smaller communities develop and improve management of their environmental infrastructure. Training sessions were held in Macon, Eureka, Sikeston, Mount Vernon, Rolla and Kansas City.



Bindbeutel



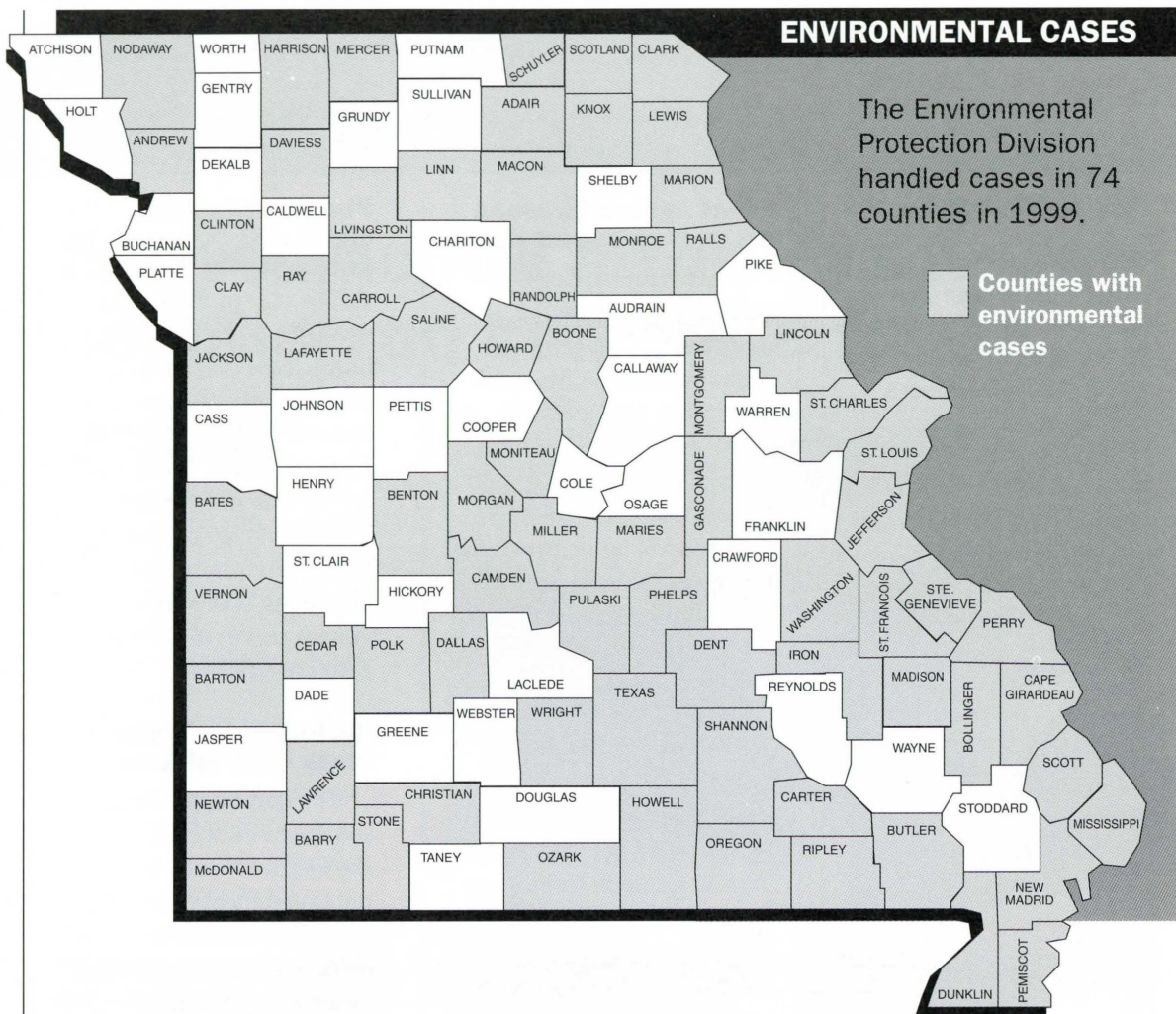
**Environmental  
Protection  
Division**





# ENVIRONMENTAL PROTECTION DIVISION

1999  
**ANNUAL  
REPORT**



## Oil spillers forced to pay

### Service station cleanup: \$65,000

Hartog Oil paid \$65,000 to reimburse the state for cleaning up a 1987 gas release from an underground tank at a service station in St. Louis County.

### Amoco pipeline rupture: \$190,000

Amoco Pipeline Co. paid the state more than \$190,000 in costs and penalties after a trans-state pipeline in rural Cass County ruptured, spilling about 20,000 gallons of crude oil.

### Gasoline leak into Mississippi: \$167,500

Clark Refining and Marketing Inc. paid the state \$167,500 in penalties after unleaded gasoline leaked from a crack in an above-ground storage tank into the Mississippi River.

## RECORD CASELOAD

The division opened and resolved a record number of cases in 1999. Figures for the last three years:

### Cases opened:

1999	315
1998	163
1997	268

### Cases resolved:

1999	372
1998	291
1997	341



## IN THE NEWS



# Nixon backs environmentalists in pollution case

By KEVIN MURPHY  
The Kansas City Star

WASHINGTON — Missouri Attorney General Jay Nixon and a dozen other attorneys general are siding with an environmental group asking that the U.S. Supreme Court let people seek court enforcement of pollution-control laws.

Nixon appeared Thursday at a news conference called by Friends of the Earth.

The group is appealing a lower court ruling that it cannot

mental Services for letting a hazardous-waste incinerator release mercury into the North Tyger River at Roebuck, Va.

After the lawsuit was filed, Laidlaw stopped the polluting, but then a judge fined the company \$405,800.

The 4th U.S. Circuit Court of Appeals in Virginia overturned the fine, saying that a fine paid to the government did not serve as a remedy for a private group's remedy.

Often, those lawsuits are filed privately because government won't or can't take action against polluters, they said.

"Very simply, citizen suits provide a necessary tool for private individuals and state attorneys general," Nixon said. "The case for public officials not Nixon filed a

from hog- and chicken-rendering operations, he said.

"They are a necessary and vital part of the regulatory process," Nixon said.

But some corporations say environmental groups have gone overboard, prolonging

harmful and if the state or the federal Environmental Protection Agency refused to act.

In the case in question, the levels of mercury were far from harmful, he said.

Cockrill said the main issue for the court to decide should be whether a citizens group has standing to seek financial penalties

paid to the government, said there is no guarantee will resolve that point.

Kevin Murphy, a Washington correspondent for The Star, call 609 or send e-mail to kkmurphy@star.com

## PSF, Nixon reach accord on odor/pollution team

• Jackson County court gives OK to team that will oversee firm as it uses \$25 million on new technology

KANSAS CITY, Mo. — The Jackson County Circuit Court has approved a 3-member team of experts to oversee implementation of a \$25 million investment in waste treatment and technology to control odor and pollution from the Standard Farms plant in Missouri.

The team was appointed as part of a settlement between PSF and Attorney General Jay Nixon's lawsuit against PSF for water pollution from its spills and other violations of state and federal environmental laws at facilities in Putnam, Mercer and

Putnam counties. The team will also have an administrative role on the team.

A team of nationally known experts will provide oversight that is to ensure the team spent in a manner

surrounding communities," Nixon said. "Installing next-generation technology designed to actually treat the waste is a giant step forward for this industry."

Sweeten, director of agricultural engineering at Texas A&M University, also serves on the USDA Agricultural Air Quality Task Force and has received the Environmental Excellence Award from the U.S. Environmental Protection Agency. Sweeten has published 48 articles on animal waste, its management and odor control during the last seven years.

Jacobson is a professor and extension engineer at the University of Minnesota. He has developed manure management practices for the Minnesota pork industry and has developed an odor rating system. Jacobson also served as a visiting scientist in Denmark working on a project involving air quality concerns inside and outside of swine facilities.

Williams, director of the North Carolina State University Animal and Poultry Waste Management Center, has advised both the U.S. House of Representatives and the U.S. Senate on the management of agricultural waste. He has also earned several U.S. patents as a result of his

Missouri Attorney General Jay Nixon Tuesday filed a lawsuit against Premium Standard Farms, alleging that the state's largest hog megafarm is in violation of state environmental laws at its facilities in northern Missouri.

Those facilities, located in Mercer, Putnam and Sullivan counties, have permits to confine more than 900,000

management plan; the lawsuit also asks the court to order appropriate penalties for past violations.

"PSF has failed in its obligations to protect and defend the envi-

We are now asking the courts to stop these violations and assess penalties."

Nixon said ongoing negotiations broke down last month between his office and PSF after the state learned that PSF allegedly was over-applying

## AG files contempt order against Simmons Foods

FROM STAFF REPORTS

JEFFERSON CITY — Attorney General Jay Nixon Friday asked the McDonald County Circuit Court to find Simmons Foods Inc. in contempt of court for violating a November 1998 consent order that set certain water pollution standards at the company's processing operation near Southwest City.

Nixon said the company should be found in contempt and penalized because testing by both the company and the Missouri Department of Natural Resources determined discharges from Simmons to the tributary of Cave Springs Branch exceeded those pollution standards on 31 separate occasions between November 1998 and October 1999.

- Those pollutants include:
- Phosphorus
- Ammonia
- Nitrites
- Suspended solids
- Fecal coliform

• Oil and grease

"While the quality of Simmons' wastewater discharges has improved substantially since a multi-million dollar plant upgrade ordered by the court was completed, there continue to be violations of technical pollution parameters," Nixon said.

The 1998 consent order states that Simmons will pay a stipulated penalty of \$2,500 for each violation of the court order and the attorney general's office would be allowed to seek other relief, as well.

Last year Simmons paid \$500,000 in penalties under the consent order and the company was ordered to comply with new limitations on discharges from the Southwest City plant, which processes approximately 1.4 million chickens a week. Simmons also was ordered to make significant reductions in the amount of chicken litter land-applied from Simmons farms in the Honey Creek and Elk River watersheds.

## Top court upholds individuals' right to sue polluters in federal court

In May, Attorney General Nixon filed a brief on behalf of 13 states in the U.S. Supreme Court in support of the rights of citizens to file lawsuits in federal court against polluters.

Nixon said these citizen suits are a necessary tool for

both individuals and states to deal with environmental problems.

The Supreme Court in January 2000 found in favor of the citizens' group, preserving this legal tool to protect the environment.



### OPEN BURNING

Environmental attorneys sued B&M Manufacturing in Camden County for violating numerous environmental laws. The boat-trailer maker openly burned hazardous waste such as paint on its property (above).



Environmental  
Protection  
Division



DIVISION  
MISSION

**TO PROTECT** and advance the interests of the state through representation, advice and litigation support provided to state agencies and officials; and to preserve the assets of the state and of charitable trusts.

## Public protected by aggressive defense of state actions

### Killers' releases blocked by division

■ **Division attorneys** blocked Steven Reasonover's request for unconditional release from the Department of Mental Health.

The St. Louis man was placed in department custody after being found not guilty by reason of insanity for murdering his girlfriend and kidnapping his 2-year-old son.

During a previous release from a state hospital, he shot three people. The unconditional release would

have freed Reasonover after he served his sentence for the shootings.

■ **Attorneys also** had dismissed an unconditional release request by Lloyd Grass. Grass was placed in the department's custody after he was found not guilty by reason of insanity for his wife's murder.

He escaped from a St. Louis state hospital in 1996 and is in prison for the escape.

### Negligent caregiver's firing upheld

Division attorneys defended the Department of Mental Health's decision to fire an employee because she was negligent in caring for her patient.

The woman did not ask for help or help a young girl who had a seizure and later died.

A state appeals court agreed her conduct was neglectful and upheld the firing.

### CASES CLOSED

Governmental affairs attorneys in 1999:

- Opened **1,500** cases
- Closed **1,189** cases

### Historic cemetery saved from neglect

Governmental affairs attorneys asked the court to declare the neglected Greenwood Cemetery abandoned and to dissolve the cemetery corporation that owned it.

The historic African-American cemetery in the St. Louis area contains 30,000 graves of former slaves, civil war soldiers, blues musicians and civil rights leaders.

The court appointed a receiver for the cemetery.

## Unit recovers \$2.25M owed to state

The Financial Services Unit seeks collections from defaults on student loans and economic development loans, delinquent audit and lottery commission fees, state reimbursements for day-care facilities and penalties owed to the Ethics Commission. The unit recovered more than \$2.25 million in 1999. Among the cases:

### Company slammed

Division attorneys led a multistate group pursuing consumer protection claims against a Michigan long-distance reseller that slammed thousands of Missourians and then filed for bankruptcy.

The bankruptcy court

ordered Long Distance Services to pay \$2.75 million.

When it did not, attorneys started collection action, including forcing the sale of a house owned by the company president. The \$250,000 from the sale went to the states and consumers.

### \$500,000 for loan default

IKON agreed to pay \$500,000 to the Department of Economic Development to settle a state lawsuit. IKON defaulted on terms of a 1997 block grant when it failed to create 100 jobs at a new plant in Jefferson City.



# More than 300 lose licenses for illegal, unprofessional actions

More than 300 professionals surrendered their licenses or had them revoked, suspended, censured or placed on probation by professional licensing boards represented by governmental affairs attorneys. Included in that number:

■ A **Springfield pharmacist** had his license suspended after an explosion at his home revealed evidence he was making meth. He acquired one ingredient on the job.

■ A **Festus funeral home's** license was revoked for numerous violations including an unlicensed individual performing embalming procedures and the embalming of contagious bodies.

■ An **Overland Park accountant** had his certification and permit revoked after he was convicted of one count of theft and 12 counts of forgery. He committed the crimes while serving as comptroller for a company.

■ A **Kansas City doctor** had his license revoked for falsely reporting on eight autopsy reports that he completed brain dissections when he had not.

■ A **teacher** now serving time in a Kansas prison lost his license after being convicted of aggravated indecent liberties with a child, indecent liberties with a child and sexual battery.

## THE DIVISION

protects the safety and well-being of citizens:

■ As legal representative for state licensing boards, it ensures professionals such as doctors and real estate agents adhere to state laws and disciplinary rules.

■ Represents the state in legal action before the Public Service Commission.

■ Takes civil action to enforce compliance with state trust laws.

■ Recoups money owed to the AG's Office and other state agencies.



**Governmental  
Affairs  
Division**

## Governmental affairs attorneys serve as general counsel for these professional licensing boards:

- Board of **Accountancy**
- Board of **Architects, Professional Engineers and Land Surveyors**
- Office of **Athletics**
- Board of **Barber Examiners**
- Board of Licensed **Clinical Social Workers**
- Board of **Cosmetology**
- **Dental** Board
- Board of **Dietitians**
- Board of **Embalmers and Funeral Directors**
- **Endowed Care Cemeteries**
- Board of **Geologists**
- Board of Registration for the **Healing Arts**

- **Healing Arts** Advisory Committee
- Board of **Hearing Instrument Specialists**
- **Interior Design** Council
- **Landscape Architectural** Council
- **Marital and Family Therapists**
- Board of **Massage Therapists**
- Board of **Nursing**
- Board of **Nursing Home Administrators**
- Board of **Occupational Therapy**
- Board for **Respiratory Care Practitioners**
- Board of **Optometry**

- Board of **Pharmacy**
- Board of **Podiatry**
- Committee of **Professional Counselors**
- Division of **Professional Registration**
- Board of **Psychology**
- Board of **Real Estate Appraisers**
- **Real Estate** Commission
- **Speech Interpreters** Committee
- **Veterinary** Medical Board



DIVISION  
MISSION

**TO PROTECT** the interests of Missouri workers by paying the appropriate amount from the Second Injury Fund and Workers' Compensation Fund for state employees, and to handle those cases in a timely and fair manner.

1999  
**ANNUAL  
REPORT**

## Court victories set precedents to protect Second Injury Fund's future

Labor attorneys in 1999 defended the Second Injury Fund to ensure funds are not wasted. The fund pays supplementary benefits to workers with legitimate injuries. Among the cases:

### Death during cocaine sale won't bring benefits

Death during a crack cocaine sale does not qualify the descendant's family for benefits from the Second Injury Fund.

Such illegal activities cannot be considered to be in the scope and course of employment and therefore are not compensable.

### Symptomless pre-existing problem won't be counted

A worker with a pre-existing health problem, but which has produced no symptoms prior to a job injury, cannot recover money from the Second Injury Fund.

The court agreed with the state's position that the pre-existing disability must have some symptoms known to the worker before it can be considered a pre-existing injury that would allow collection from the fund.

The Second Injury Fund is not responsible for benefits from a second job in cases where a worker is permanently and totally disabled.

### Low IQ not on same level as total disability

A low IQ does not combine with a work-related injury to qualify for fund compensation at the same level as someone considered totally disabled by the courts.

### Problems that slow work not considered

Prior health-related problems such as migraines, painful knees and backaches, which only slow a worker's ability to perform a full day's work, cannot be used as justification for claiming Second Injury Fund benefits.

### Claims restricted

A person who has a health problem with few work restrictions cannot claim a second injury when disabilities from the actual work-related accident exceed the restrictions from the prior condition.

## Division protects workers' wages

Labor attorneys in 1999 resolved 61 challenges to prevailing wage orders and collected \$28,965 in penalties from contractors and subcontractors who violated prevailing wage laws. Numerous companies also made prevailing wage payments to workers following notice from the AG's Office, eliminating further legal action. Court action was taken in these instances:

### St. Louis firm penalized \$8,395 in public project

Lee Mechanical of St. Louis paid \$8,395 in penalties for failing to pay appropriate prevailing wages and benefits on a public works project for the city of St. Louis.

### Arkansas firm sanctioned for paying low wages

Edgewater Construction, an Arkansas corporation, was found liable for \$1,500 in penalties for failing to pay the prevailing wage rate to workers on a project for the Department of Natural Resources at Roaring River State Park in Barry County.

### New state law upheld

Labor attorneys successfully defended a new law requiring uniformity in occupational titles across the state, but allowing rates to fluctuate according to locale.



# Labor lawyers protect workers' rights

## **Restaurant cannot discriminate against patrons with guide dog**

The state appeals court upheld a Missouri Commission on Human Rights ruling that a restaurant cannot discriminate against patrons accompanied by a guide dog.

The Red Dragon Restaurant in Kansas City had refused service to a person with visual impairment and his friend because the two were accompanied by a guide dog.

The visually impaired person sued in circuit court and won.

The friend claimed associational discrimination and the favorable ruling by

the Human Rights Commission was appealed.

Besides upholding the commission's decision, the appeals court ruled that expert testimony is not necessary to award emotional distress damages in civil rights cases.

## **Discrimination claim against St. Louis police upheld on appeal**

The state appeals court upheld the Human Rights Commission's decision supporting a claim of racial discrimination by the St. Louis City Police Department.

Labor attorneys argued in favor of the commission's decision.

## **CASE STATS**

Labor Division attorneys resolved 10,587 cases in 1999, compared to 9,564 in 1998.

### **Attorneys also:**

- Attended 5,433 depositions and hearings throughout the state.
- Handled an additional 242 cases on appeal in 1999.

## **St. Louis complex must be accessible to disabled**

Owners of a Kirkwood apartment complex agreed to make 34 apartments accessible to the disabled following an investigation by the Attorney General's Office for possible unlawful housing practices.

Ramps will be built to eight buildings and the 34 apartments will be equipped with features such as wider doorways, lever-style door handles and thermostats reachable by wheelchair-bound tenants.

Missouri law requires that multifamily dwellings built after March 1991 be accessible to disabled persons. Nixon is the first attorney general to enforce this law.

## **DIVISION ATTORNEYS**

protect state workers by:

- Enforcing state prevailing wage laws that ensure workers receive pre-vailing wages.
- Representing workers before the Missouri Human Rights Commission when they have discrimination claims.
- Defending the state Second Injury Fund.



**Labor  
Division**



DIVISION  
MISSION

## TO PROVIDE

quality representation to the state, its agencies and employees; to protect and advance the ability of public servants to do their jobs while advancing justice for the citizens of the state and the state's sovereign interests; and to provide expertise and resources to other divisions in the AG's Office.

## Court action advances state interests

## State campaign limits defended

The U.S. Supreme Court upheld Missouri's limits on campaign contributions and cleared the way nationally for meaningful campaign reform.

In October 1999, Nixon defended the state law limiting contributions to \$1,075 for statewide elections, \$550 for state senate and \$275 for state representative.

The court also clarified that the \$1,000 set forth in the 1976 *Buckley v. Valeo* decision is neither a floor nor ceiling for future campaign reform.

## CASES CLOSED

The Litigation Division in 1999:

- Opened 387 cases
- Closed 335 cases

In *Nixon v. Shrink*, Nixon said the limits are necessary to protect the integrity of the electoral process and have little effect on the free speech rights of candidates or donors.

The 8th Circuit Court had overturned Missouri's limits in November 1998.

## Farmers win tax battle

The Missouri Supreme Court sided with the AG's Office and the Missouri Farm Bureau to prevent increased farm taxes.

The Cole County Circuit Court had ordered the state Tax Commission to file rules with the secretary of state that would have increased farm property taxes by 13 percent, although the legislature and governor had rejected the increase.

The AGO's victory in the Supreme Court will save Missouri farmers an estimated \$5 million to \$10 million in taxes annually.

## State desegregation cases come to an end

Twenty-seven years of litigation about two controversial desegregation orders in Missouri ended within two weeks when the state was released from the school desegregation cases in Kansas City and St. Louis:

■ **Jan. 10:** U.S. District Judge Stephen Limbaugh Sr. signs an order marking the end of the 27-year battle in the St. Louis case. The court also denies a request from the Ladue School District for \$600,000 for capital improvements. The district sought the desegregation funding even after requesting release from its commitment to accept new transfer students.

■ **Jan. 29:** After 21 years of litigation and nearly \$2 billion in payments to the Kansas City school district, U.S. District Judge Dean Whipple said Missouri has met its obligations under a 1996 settlement agreement and should be dismissed as a defendant.

## Nixon sues Feds to stop gaming

Attorney General Nixon and litigation attorneys sued the federal government to prevent the Modoc tribe of Oklahoma from placing Missouri land into trust as Indian land.

The Attorney General's Office claimed the law that allows the Interior Department to take land into trust is an overbroad delegation of congressional power.

Nixon said he believes the Modocs intend to use the land in Newton County for casino gambling, a violation of an earlier position by the Interior Department.

Following a 1996 suit against another tribe, the department ruled that Oklahoma tribes cannot conduct Class III gaming on Missouri land.



## IN THE NEWS

# Nixon files federal suit to stop Indian land trust

The Associated Press

JEFFERSON CITY — Missouri Attorney General Jay Nixon filed a federal lawsuit Wednesday to

68 acres of Oklahoma

that the law granting the department authority to take land into trust is an "overboard delegation of Congressional power."

Nixon said he is concerned that the Modoc tribe will use the land for casino gambling. Missouri law currently allows gambling aboard riverboat casinos.

"Missouri is only one of a handful of states that allow some form of casino gaming but do not have Indian trust land," Nixon said.

"Although attention naturally focuses on the prospect of Indian gaming, losing this land in trust to the United States government for any use is a severe blow to the state's power," he said.

In July, Nixon filed comments

Missouri wants justices to uphold contribution limits

State files legal arguments

By JO MANNIES  
Post-Dispatch  
Political Correspondent

If Missouri's campaign nation limit of \$1,075 is unconstitutional, then so is the federal government's \$1,000 for congressional and

That's the crux of Missouri's legal arguments filed with the U.S. Supreme Court in preparation for this court hearing in Washington. The court has agreed to view a federal appeal ruling in November that Missouri's 3-year-

## High court will review limits on campaign donations

Appeals court struck down Missouri measure

By JO MANNIES  
Post-Dispatch Political Correspondent

Missouri's legal fight over campaign donations may well

## Nixon ready to burn the midnight oil to prevent farm tax increase

The Missouri Supreme Court has set an Aug. 18 court date for Attorney General Jay Nixon's argument to reverse a ruling that could cost Missouri farmers millions of dollars in increased property taxes. The court's order is in response to the Attorney General's request for expedited briefing in the case, Missouri Growth v. State Tax Commission.

led in a timely fashion so that county officials will not have to redo the assessment process while the case is on appeal.

The Missouri constitution gives the legislature the authority to make taxing choices, and respect and support their decision not to increase farm taxes at this particular time when the farm economy is hurting and commodity prices are low," Nixon said.



or notals Aug. 18 tribe's

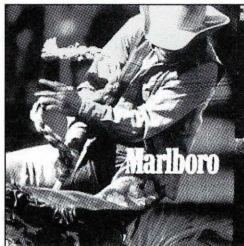


## Division pursues tobacco settlement

The Attorney General's Office worked throughout 1999 to implement provisions of a historic settlement with the tobacco industry:

■ **March 5, 1999:** Circuit Court Judge Jimmie Edwards approves Nixon's \$6.7 billion settlement with the tobacco industry.

The Marlboro Man was the first to be thrown off a St. Louis billboard.



■ **March 3:** The first of an estimated 200 cigarette billboards is removed from a St. Louis suburb. The settlement requires all billboards be down by April 22.

■ **April 7:** Nixon unveils the first anti-smoking billboard in Kansas City. It is among the first of 170 billboards to be placed throughout the state.

■ **Nov. 12:** Payments begin to be made to 39 other states in the historic \$206 billion multistate tobacco settlement. Missouri's first payment of \$56 million is held up by appeals by four parties trying to intervene in the settlement.



Nixon unveils the first anti-smoking billboard in Kansas City.

■ **Jan. 18, 2000:** The Missouri Court of Appeals denies all motions to intervene, allowing Missouri to move closer to collecting the settlement.

## Prisoners reimburse state more than \$1M since 1993

Litigation attorneys obtained \$178,420 from inmates in 1999 to pay for their incarceration costs.

The Incarceration

Reimbursement Act allows the state to recover up to 90 percent of an inmate's assets after obligations to a spouse or children are met.

Since 1993, Nixon's office has obtained more than \$1 million in inmate reimbursements.

## DIVISION ATTORNEYS:

■ Defend constitutional challenges to state laws and ballot issues.

■ Sue to recover money fraudulently taken from the state.

■ Defend lawsuits filed by state prisoners.

■ Defend the state in employment and tort cases.



Litigation Division



DIVISION  
MISSION

**TO BE AGGRESSIVE** and fair prosecuting in the interest of justice; to assist and educate law enforcement and prosecutors in their role of protecting the public; to defend law enforcement from unwarranted interference and judgments in civil litigation and to be responsive to the needs of crime victims.

## Killers sentenced to death, life without parole

Public Safety Division attorneys assist local prosecutors in complicated trials or are appointed as the primary prosecutors when there is a conflict of interest. The division obtained 27 homicide convictions in 1999 resulting in seven death sentences and nine sentences of life without parole. Among the cases:

■ **Mark Christenson** was sentenced to death for killing a mother and her two children. A Maries County jury found him guilty of drowning the family in a farm pond.

■ A Lewis County jury found **John Smith** guilty of murder and recommended the death penalty. Smith stabbed to death his former girlfriend and her stepfather and nearly killed her mother.

**Public safety attorneys assisted in 223 special prosecutions in 78 counties. Of those, 131 were new cases.**



■ A Monroe County jury found **Nathan Hawkins** guilty of murder and armed-criminal action for the shooting deaths of his teen-age victims. Hawkins was given consecutive life sentences.

■ **Mark Woodworth** was retried for the 1990 killing of his father's farming partner and shooting of his partner's wife. A Clinton County jury found him guilty of second-degree murder, assault, armed-criminal action and burglary.

## Sexual predators committed using new law

The Sexually Violent Predator Law, which took effect Jan. 1, allows the state to retain custody of a sexual predator determined to have a mental abnormality making the person likely to commit more predatory sex acts. If a determination is made by a jury or judge, the defendant is committed until considered safe. Attorneys used this law to commit three predators:

■ **Joseph Johnson** had served five years in prison for two counts of sodomy and was completing another five-year sentence for first-degree sexual assault.

■ **Dennis Smith**, convicted of attempted rape and burglary, was scheduled to be released in January. Smith, diagnosed as a schizophrenic, admitted he had broken into homes intending to sexually assault the females inside.

■ **Kevin Haenchen**, who confessed to molesting more than 35 boys and girls, was scheduled to be released in April. Haenchen is confined until it is determined he will not be a threat to society.



Hirsch

## New victim advocate joins office

Angela Hirsch joined the Public Safety Division to provide services to victims when sexually violent predator offenders are referred to the Attorney General's Office for civil commitment.

Hirsch notifies victims, assists in trial preparation, crisis intervention, advocacy and other service referrals.

She also provides information and support to other crime victims who contact the AG's Office.



# Prosecutors attack Medicaid fraud

The Medicaid Fraud Control Unit prosecutes medical professionals trying to defraud the Medicaid program and those who abuse or neglect nursing home residents. The unit obtained convictions recovering nearly \$2 million in restitution and penalties in 1999. Among the cases:

## **HMOs sued for not testing children for lead**

Unit attorneys sued Healthcare USA of Missouri and Prudential Health Care Plan, alleging breach of contract and Medicaid fraud by the HMOs for accepting payments for lead testing not performed on St. Louis-area children.

The two companies failed to test at least 17,000 children, or 82 percent, of Medicaid enrollees who should have been tested.

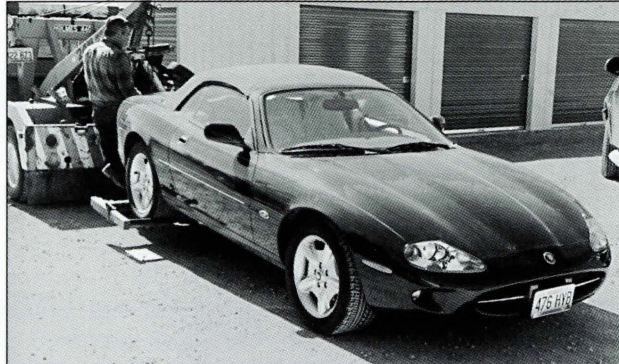
## **Walgreen pays \$107,000**

Unit attorneys obtained more than \$107,000 for Missouri from Walgreen Co.

The 25-state settlement resolved allegations that the pharmacy chain billed Medicaid for greater quantities of medication than it dispensed.

## **Overcharges repaid**

Medaphis, GFS paid \$144,000 for defrauding the



A 1998 Jaguar was seized in Hannibal.

## **Therapist's property seized**

Medicaid fraud attorneys obtained a court order to seize more than \$100,000 in property from a speech therapist who

committed Medicaid fraud.

The property included a home, a 1999 BMW, a 1998 Jaguar and several bank accounts.

Medicaid program by overcharging for emergency room services.

## **Social worker must pay \$100,000, serve time**

An Audrain County licensed clinical social worker pleaded guilty to

Medicaid fraud for billing for services he never performed, including billing for more than 24 hours in a day.

Donnie Wilbanks must pay \$100,000 in restitution, and serve 21 days in jail and five years' probation.

# Corruption uncovered in Miller County

Public safety attorneys successfully ousted the Miller County sheriff for misconduct and malfeasance in office.

The charges were filed following an investigation by the state Highway Patrol, state

Water Patrol and the FBI.

Four former jailers, a jailer, a deputy sheriff and two inmates also were charged for their role in a corruption scandal at the Miller County Jail.

Three former jailers and the inmates pleaded guilty; the deputy sheriff was convicted following a jury trial.

## **DIVISION ATTORNEYS:**

- Assist local prosecutors in serious or difficult trials and grand jury proceedings.
- Prosecute cases of workers' compensation fraud or noncompliance.
- Represent Department of Public Safety, including the Highway Patrol.
- Train the law enforcement community and state troopers.
- Produce Front Line, a publication updating law enforcement on legal developments.



**Public  
Safety  
Division**





## Division helps prosecute, train others

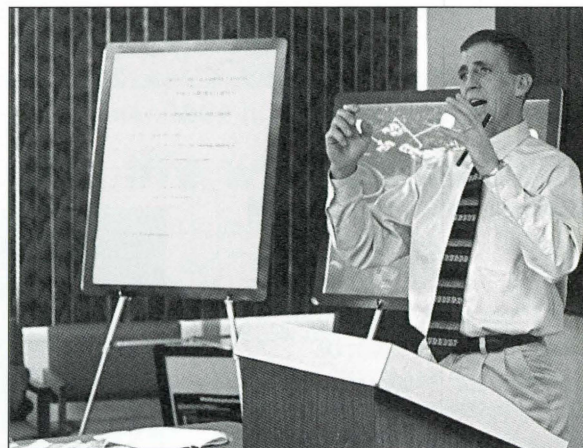
### Meth Prosecution Strike Force wins 41 convictions in first full year

The Methamphetamine Prosecution Strike Force provides prosecutorial assistance and expertise to local prosecutors and law enforcement.

In its first full year of operation in 1999, Strike Force attorneys and investigators:

Responded to 55 requests for assistance from prosecutors in 11 counties.

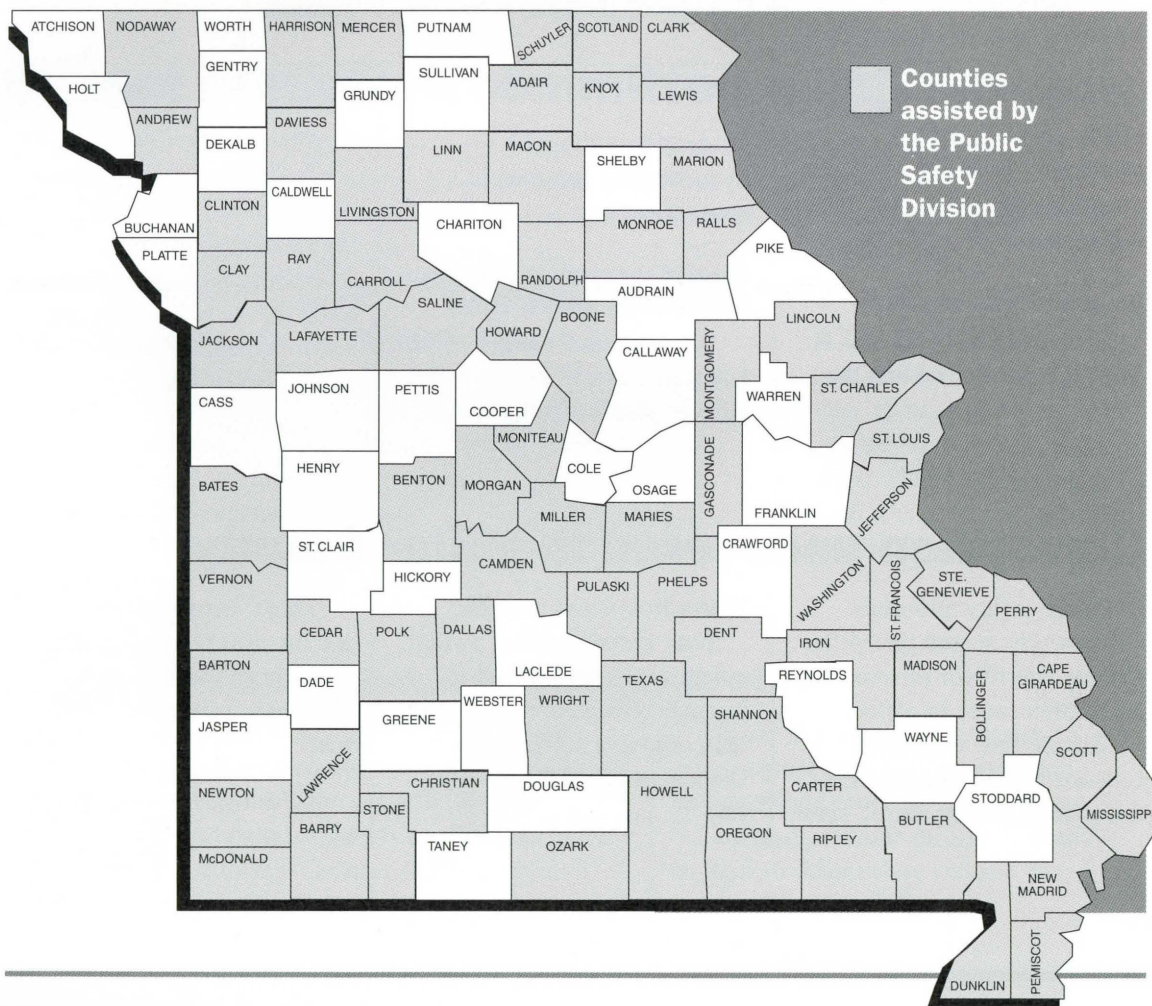
Obtained 41 convictions and 143 years of jail time for meth offenders.



**Meth Prosecution Strike Force investigator Dick Law presented a workshop to about 80 Department of Corrections institutional parole officers. He showed them how to identify meth labs, how meth is cooked and how it affects users.**

### ASSISTING COUNTIES WITH PROSECUTIONS

The Public Safety Division, which was established in 1999, assisted in 223 special prosecutions in 77 counties.





## IN THE NEWS

### Second Social Worker Charged With Fraud

WAYNESVILLE — For the second time in two weeks, Attorney General Jay Nixon and Pulaski County Prosecuting Attorney Michael V. Headrick have filed criminal charges against a licensed clinical social worker in connection with alleged Medicaid fraud. Charged was Melody J. Carter, 38, was arrested on the charges and is being held on \$40,000 bond. Carter, whose home address is in St. Robert and business address is in Waynesville, faces eight felony counts, including four counts of stealing by deceit and four counts of making a false statement to receive a health care payment. The charges allege that over a period from June 1998 to June 1999, Carter falsely represented to the state Medicaid program that she was a resident of a nursing home.

### Nixon seeks to oust Miller County sheriff

■ Attorney says Thomas Russell admits some responsibility at the jail but not from office.



Attorney General Jay Nixon today seeking to oust Thomas Russell from office for allowing inmates to and releasing them in Miller County jail with violations of the law to perform official duties in misconduct and

rate. From January 1995 to December 1996, only nine of 42 pieces of drug evidence held by the Miller County sheriff's office remained. Seven more pieces of evidence disappeared between January 1997 and December 1998. "It clearly causes a significant problem for law enforcement in other investigations," Nixon said.

The petition was issued in connection with a case in which Miller County jailers allowed inmates to take drugs, escape from their cells and gain privileges in exchange for sex. Four of the jailers, including Birdsong, have pleaded guilty in the case. Two other former jailers and a deputy sheriff are scheduled to go to trial this fall.

The corruption investigation began last January and charges were filed in March. All of the misconduct allegedly took place in 1997 and 1998.

The nine-month investigation is being conducted by Nixon's office, the Missouri State Attorney General's Office, and the Pulaski County Sheriff's Office.

### Former Nurse's Aide Arraigned On Three Felony Counts of Abuse

A former aide at a New Madrid nursing home was arraigned recently on a three-count criminal complaint filed by Attorney General Jay Nixon and New Madrid County Prosecuting Attorney H. Riley Bock that charges the man with physically abusing three nursing home residents.

longer works at the nursing home, voluntarily surrendered himself to sheriff's deputies.

Each of the three counts of abuse of a person receiving health care carried a maximum sentence of up to seven years and a \$5,000 fine.



It's the first example of the legislation's penalty. "I don't think it has any value in terms of setting government. But it does give some indication of how justice will handle this," Carver said. The Missouri Sexually Violent Predators Act took effect Jan. 1 and is patterned after a similar Kansas law upheld by

### Speech pathologist is accused of fraud

THE ASSOCIATED PRESS

HANNIBAL, Mo. — A speech pathologist has been charged with fraud by the state's Medicaid program. The charges, filed by Attorney General Jay Nixon, allege that Julie A. Roberts, 40, named in a lawsuit filed in the Missouri Circuit Court in Marion County, committed fraud by claiming to be a speech pathologist and receiving Medicaid benefits for 16 months.

some cases and sought reimbursement for services that were never performed in others, Nixon said. Roberts also submitted claims for more in excess of \$40,000.

### Sexual predators act put to use

Violent sex offenders face indefinite commitment after serving time in jail.

By Tracy Sharkey  
News Leader

For the first time, a jury in Missouri this

County jury took less than an hour to decide in

argued Johnson didn't have the "mental abnormality" described in the legislation. For the Missouri Attorney General's office, responsible for

old girl and molesting a 9-year-old girl. But Johnson's father, a lawyer, Robert Warden and Springfield

### Child molester opts for indefinite stay in Missouri psychiatric clinic

He's first sexual predator to do so under new law

BY KIM BELL  
of the Post-Dispatch

Missouri had an easy time Thursday passing its first sexually violent predator law with its new civil



Hueschen

of the law. Observers say one

Although Hueschen agreed to the treatment, Missouri is battling other cases where the candidate for civil commitment is challenging the commitment. Hueschen called it "a test case" and he would participate in the state's program so he could explore the possibility of being released as a child, who he was abused as a child, who he believes triggered his

### Nixon keeps rapist in custody

OLUMBIA, Mo. (AP) — In the first use of a new state law, Attorney General Jay Nixon has kept a convicted Columbia rapist in custody rather than releasing him from prison Friday as requested. Dennis Michael Smith Jr. will be held at the state hospital in Fulton County for a psychiatric evaluation. Judge Joe Holt ruled Thursday. The sexual predator law, which

final release from a state mental health facility was about four months before the Columbia rapist. Smith's psychiatric evaluation will be followed by a trial to decide if he is a violent sexual predator. If Smith is deemed a violent sexual predator, he would be held in a Department of Corrections facility and receive psychiatric treatment until he is

## Training others

### State, national groups learn from division

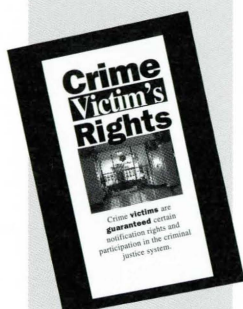
The Public Safety Division provided educational training to state and national organizations including:

- Missouri Highway Patrol Training Academy
- University of Missouri Law Enforcement Academy
- Sheriff's departments in Adair, Johnson and Marion counties
- Health Care Fraud Association
- SORT program
- National Association of Survey Organizations
- State Division of Liquor Control
- Missouri Bar
- State Fire Marshal's Office
- Missouri Department of Corrections
- Missouri Safety Center
- Governor's third annual Meth Summit
- National Guard Counterdrug Task Force



**Public Safety Division**





### New book for crime victims

The Crime Victims' Rights book was revised to include more information for victims about the criminal justice system. The book includes a section about victims' guaranteed notification rights and participation in the criminal justice system.

1999  
**ANNUAL  
REPORT**

## JANUARY

**Jan. 11:** A direct-mail sweepstakes company is ordered to pay \$1.26 million to reimburse 91,000 Missourians tricked into making 900-number phone calls to collect a prize.

**Jan. 11:** The U.S. Supreme Court refuses to hear the appeals of three death row inmates: Roy Roberts, Russell Bucklew and Richard D. Clay. On **March 10**, Roberts is executed for the 1983 murder of a corrections officer at the Moberly prison.

**Jan. 12:** Missouri's violent sexual predator law is used for the first time to commit a Columbia man into the Department of Mental Health's custody after his release from prison for rape and sexual abuse.

**Jan 13:** Kelvin Malone is executed.

**Jan. 14:** Brenda Forck of the Consumer Protection Division testifies at a preliminary injunction hearing against several telemarketers in Chicago. She had conducted telephone decoys for the Federal Trade Commission in 1997.

**Jan. 15:** A Kansas City-area businessman is sentenced to 10 years in prison for defrauding investors with a business opportunity to sell over-the-counter medication from vending machines.

**Jan. 19:** Double M Mobile Coach Ranch in Warsaw is sued for not paying for drinking water tests and not submitting monthly samples to test for microbiological contaminants.

**Jan. 22:** A Rolla man is ordered to pay \$32,000 in cleanup costs for illegally dumping about 7,500 waste tires.

**Jan. 22:** QuikTrip of Tulsa, Okla., is sued for violating the state's Motor Fuel Marketing Act by selling gas at below-cost prices.

**Jan. 25:** A service station in St. Louis County must pay \$65,000 for the cost to clean up a gasoline release from an underground tank.

**Jan. 25:** The owner of a closed furniture store in Fenton is ordered not to sell or dispose of any store assets. The owner took \$80,000 for furniture never delivered. On **June 14**, he is ordered to pay \$213,447 in restitution.

**Jan. 25:** Environmental attorneys file a federal pollution complaint against a sawmill and creosote wood treater in Reynolds County for contaminating a creek that runs through its property.

**Jan. 26:** Children International agrees to donate \$30,000 and substantially change its solicitations that did not accurately depict the children, their biographical information or living

conditions. Operation Breakthrough, a nonprofit day care in Kansas City, is designated to receive the money.

**Jan. 27:** A Kansas City residential care center is placed into receivership because of deplorable and negligent conditions.

**Jan. 28:** After 21 years of litigation and nearly \$2 billion in state payments, the state is released from the Kansas City schools desegregation case.

## FEBRUARY

**Feb. 2:** Stanley Tools agrees to pay \$50,000 after it advertised certain tools were made in the United States when, in some cases, more than half of the product was of foreign origin.

**Feb. 3:** Three St. Louis taxicab companies and several individuals are sued for using inaccurate meters to overcharge customers.

**Feb. 4:** Nixon joins family farmers in support of new regulations mandating odor controls for megafarms in rural Missouri.

**Feb. 4:** Two men are charged with taking \$50,000 from a DeKalb County woman for home repair work worth little or nothing.





Attorney General Nixon answers reporters' questions after presenting arguments to limit campaign contributions.

## CAMPAIGN LIMITS UPHELD

Nixon worked throughout 1999 to defend Missouri's limits on campaign contributions:

**Jan. 25:** The U.S. Supreme Court agrees to hear Nixon's arguments on the state campaign contribution limits during the court's next term.

**April 7:** Nixon files a brief with the Supreme Court to reinstate the state campaign contribution limits, saying they are necessary to protect the integrity of the electoral process.

**June 17:** The U.S. Department of Justice, 29

attorneys general, 22 federal legislators, 13 secretaries of state, Common Cause and League of Women Voters join or file friend-of-the-court briefs with the U.S. Supreme Court supporting Nixon's argument for limits.

**Oct. 5:** Nixon defends Missouri's limits on campaign contributions before the U.S. Supreme Court.

**Jan. 24, 2000:** The Supreme Court upholds Missouri's limits, clearing the way nationally for meaningful campaign contribution reforms.

**Feb. 4:** Amoret Coal Co. is sued to collect \$6,700 in penalties for several violations of the state Surface Coal Mining Law.

**Feb. 8:** Hammons Hall Corp. and Cupps Farms in Monett are shut down for violating air pollution laws.

**Feb. 16:** A Wright County man, who beat to death his 3-year-old stepson, is sentenced to 27 years in prison.

**Feb. 16:** Nixon asks a federal district court to deny a request from the Ladue School District for \$600,000 in desegregation money for capital improvements. On **March 1**, the court denies the district's request.

**Feb 19:** A Hannibal-area man is sentenced to seven years in prison for defrauding an Ozark woman in a driveway repair scam.

**Feb. 19:** A St. Louis towing company and its owner are sued for illegal towing practices that included overcharging and refusing to release vehicles until owners paid in cash. On **July 22**, the service is ordered to stop charging excessive fees, towing vehicles from private property without permission, and crushing or selling vehicles without having the titles.

**Feb. 22:** A Pulaski County man who hid in the Ozarks forest for nearly six months after killing an acquaintance in a dispute over a woman is sentenced to death.

**Feb. 22:** A former nurse's aide in Lexington pleads guilty to one count of abusing a nursing home resident.

**Feb. 23:** A state appeals court affirms the first-degree murder and armed-criminal action convictions of Ricky Kidd.

**Feb. 24:** James Rodden is executed.

## National Consumer of the Year

**Pat Raines**, the daughter of a Lebanon man who lost more than \$100,000 in sweepstakes contests, joined Nixon on Feb. 24 to testify for reform in the sweepstakes industry at a National Association of Attorneys General public hearing.

**Raines was** named National Consumer of the Year for her efforts to stop sweepstakes fraud. A few of her father's purchases are shown below.

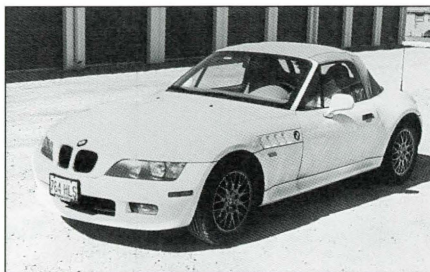


1999

Year-end review



**Feb. 25:** A 1998 Jaguar, 1999 BMW (right) and two late-model pickups owned by a Hannibal speech therapist accused of defrauding the state Medicaid program are seized. Her bank accounts are frozen.



**Feb. 26:** A construction contractor in Fredericktown is sued for illegal open burning on several dates.

## MARCH

**March 1:** Tyson Foods agrees to pay more than \$63,500 to resolve allegations that its poultry processing plant in Sedalia polluted Little Muddy Creek.

**March 2:** Public Safety Division attorneys file to commit sexual offender Shane A. Vorhees into the Department of Mental Health's custody.

**March 3:** Nixon begins a campaign to remove tobacco advertising on billboards and replace it with anti-smoking messages as specified in Missouri's tobacco settlement. Missouri is the first state to replace smoking billboards.

**March 5:** Nixon opposes state legislation that would have reduced the punishment for a broad class of crimes, including weapons offenses, DWI felonies and methamphetamine crimes. Senate Bill 335 is vetoed by the governor. The veto was not overridden.

**March 5:** A Hickory County man receives a federal prison sentence for making meth.

**March 5:** A New Madrid County man pleads guilty to possession of meth.

**March 10:** The owner of a pharmacy in Pleasant Hill pleads guilty to two counts of Medicaid fraud.

**March 11:** Nixon and 28 other attorneys general ask the FTC to create enhanced safeguards to protect consumers from deceptive phone practices.

**March 12:** U.S. District Judge Stephen Limbaugh Sr. signs an order ending the 27-year battle in the St. Louis desegregation case. On

**March 15,** Nixon personally delivers papers to notify state officials that the deseg case is over.

**March 12:** Blue Cross and Blue Shield of Missouri agree to put \$12.8 million more into a private health-care foundation to end a legal dispute over the 1994 conversion of the nonprofit Blue Cross to a for-profit HMO.

**March 12:** Two invention promoters are sued for taking thousands in fees after greatly misrepresenting to Missourians the marketability, uniqueness and patentability of inventions.

**March 15:** A Florida man pleads guilty to conspiracy and fraud charges for a disposable-camera pyramid scheme that duped 30 people out of tens of thousands of dollars each.

**March 22:** A former Audrain County licensed clinical social worker is ordered to pay \$100,000, serve 21 days in jail and be placed on five years' probation after pleading guilty to Medicaid fraud.

**March 23:** A death row inmate who escaped execution in 1993 by claiming new evidence of innocence changes his story in a new trial and pleads guilty to second-degree murder.

**March 24:** A Diamond couple is sued for numerous pollution violations at their scrap yard, including operating an unlicensed waste site, illegal burning and polluting a nearby stream.

**March 29:** A Willow Springs man is sued for allegedly billing several Missouri businesses for advertising on sports schedules not authorized by the featured high schools.

**March 30:** Public safety attorneys file to commit sexual offender Joseph M. Johnson into the custody of the Department of Mental Health following his scheduled release from prison. On **April 1,** a judge rules there is enough evidence to delay his release under the sexual-violent predator law.



**March 31:** A judge rules that probable cause exists that Kenneth Burgess is a sexually violent predator. He will be placed under the Mental Health Department's custody.

**March 31:** A St. Louis judge rules an Internet distributor of microbrewery beer violated state law for selling liquor to a minor and selling liquor without a Missouri license.

## APRIL

**April 5:** Plattsburg officials are ordered to take several steps to ensure the safety of the town's drinking water.

**April 13:** A proposed rule requiring Missouri meat packers to provide wholesale price information to farmers is filed with the secretary of state.

**April 13:** A law allowing the state to create an auto pollution testing program for St. Louis city and St. Louis, St. Charles and Jefferson counties is defended against a constitutional challenge.

**April 13:** A state appeals court denies Steven Reasonover's application for unconditional release from the Department of Mental Health. He shot three people during an earlier release.

**April 14:** Roy Ramsey is executed.

**April 16:** The AG's Office files a friend-of-the-court brief on behalf of the Linn County Commission supporting a county health ordinance that restricts concentrated animal feeding operations.

**April 23:** Zachary Wilson is found guilty by a Monroe County jury of first-degree murder for helping his girlfriend rob and murder her sleeping grandfather.

**April 28:** Burlington Northern railroad agrees to pay \$1.4 million to the state and clean up lead-contaminated sites in Crawford County.

**April 28:** Ralph Davis is executed.

**April 29:** Consumer lawyers obtain an injunction against a

**April 30:** Nixon (center) joined local health advocates in unveiling the first anti-smoking billboard in Greene County paid by the tobacco industry.



Jackson County roofer charged with 10 counts of unlawful merchandising practices. On **Sept 24**, he is ordered to pay \$23,623 and placed on probation after pleading guilty.

**April 29:** Two individuals and three out-of-state businesses agree to stop selling or advertising merchandise with forged autographs of St. Louis Cardinal Mark McGwire and pay \$37,500 to the state.

**April 30:** David O'Haver is found guilty by a Monroe County jury of second-degree murder and first-degree arson for setting his mobile home on fire and killing his wife.

*Mark McGwire signature*  
A McGwire signature



## MILLER COUNTY SHERIFF OUSTED, JAILERS PROSECUTED FOR JAIL CORRUPTION

After an investigation by the Highway Patrol, Water Patrol and FBI revealed evidence of corruption in the Miller County Jail, the AG's Office was appointed special prosecutor on **Jan. 28**.

**March:** Former jailers David Birdsong, Timothy Scott and Peter Armstrong, jailer Trevor Plemmons, deputy sheriff

Larry Young and former employee Holley Dawn Dake are arrested and charged with crimes in connection with corruption at the jail. A warrant is issued for former jailer Eric Taylor.

**May 19:** Taylor is arrested in Arizona.

**June 11:** Plemmons pleads guilty to two counts of acceding to corruption.

**August:** The AG's Office files a petition to remove Sheriff Tom Russell from office for violating state and federal laws, not performing duties and engaging in misconduct and malfeasance. Taylor and Birdsong plead guilty to charges.

**Nov. 19:** A jury finds Young guilty of two felony counts.

**Feb. 3, 2000:** Sheriff Russell is removed from office.

1999

Year-end review



## MAY

**May 3:** Nixon updates other attorneys general on safe school efforts in Missouri at the Youth Violence and School Safety summit in Jackson, Miss.

**May 6:** A St. Louis health-care provider pleads guilty to three criminal counts of Medicaid fraud for taking payments for services never rendered and is ordered to pay \$30,000.

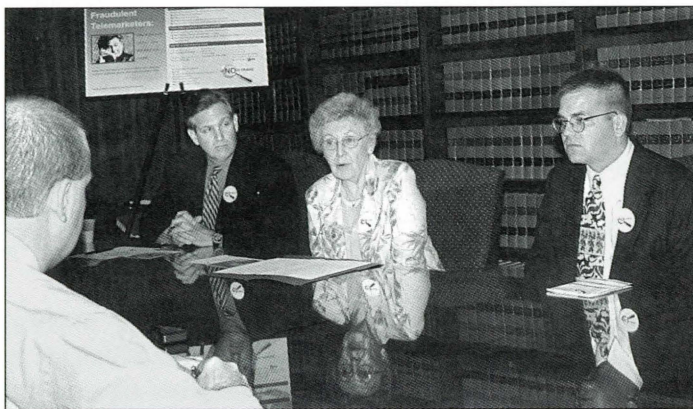
**May 10:** Jubilee Village, a Lake of the Ozarks mobile home park, is sued for operating a wastewater treatment facility without a permit.

**May 10:** A home remodeling business is shut down. The owner, who often defrauded individuals of more than \$10,000, is banned from operating a home repair business in Missouri.

**May 11:** Bolinger Swine is sued to recover unpaid fines from a previous suit and to seek \$6,000 in additional penalties for another waste spill into state waters.

**May 11:** C.W. Sayler and Co. is sued for violating the Clean Water Law by operating a wastewater treatment lagoon at the Lake of the Ozarks without a permit.

**May 13:** A Kirksville registered nurse is arraigned on three counts of Medicaid fraud and three counts of fraudulently attempting to obtain a controlled substance. On **Sept. 7**, she is sentenced to five years in prison.



**Attorney General Nixon** (left, back) joined the American Association of Retired Persons, U.S. Postal Service, FBI and Better Business Bureau to promote Project Know Fraud, a national campaign to help consumers avoid telemarketing and mail fraud.

**May 14:** A Ste. Genevieve developer is ordered to pay \$263,000 to repair the spillways of three dams in the Rocky Ridge Ranch subdivision.

**May 17:** Nixon urges the U.S. Justice Department to reject a proposed merger between Cargill and Continental Grain because the merger would give Cargill the power to artificially depress prices that farmers get for grain. On **July 8**, the Justice Department requires Continental Grain to divest its grain-buying plant near Caruthersville before it merges with Cargill.

**May 18:** Governmental affairs attorneys defend the Nursing and Healing Arts Board's denial of reinstating a nurse convicted of distribution, sale and possession of controlled substances.

**May 18:** A state appeals court upholds an amended state regulation that requires challenges to occupational work titles to be made on a

statewide basis. The court ruled the regulation did not conflict with the Missouri Prevailing Wage Act.

**May 25:** Missouri receives \$909,678 in cash and toys in a multistate settlement from an antitrust case against Mattel, Little Tikes and Toys R Us for restricting the sale of certain toys and driving up prices.

**May 26:** Jessie Wise is executed.

**May 27:** Disciplinary actions begin against the license of a nurse who stole Demerol from her employer and pleaded guilty to stealing.

**May 28:** Nixon offers to assist the St. Louis mayor and local health departments in enforcing lead abatement orders, accessing buildings and litigating lead cases against landlords. On **Nov. 30**, the AG's Office sues two HMOs for an alleged breach of contract and Medicaid fraud for accepting payments for lead testing not performed on St. Louis-area children.



## JUNE

**June 1:** Riedel Energy and Northern American Resources are sued to collect penalties for violating the state Surface Coal Mining Law.

**June 3:** Disciplinary actions begin against the license of a nurse who forged a doctor's signature on 13 physical exam reports.

**June 7:** A St. Charles County contractor pleads guilty to a charge of unlawful merchandising practices for deceiving homeowners into paying for repair work he did not intend to perform.

**June 7:** A man pleads guilty to defrauding St. Louis residents by promising repair and remodeling work he did not perform. He must refund more than \$3,900.

**June 8:** A man who told an elderly Columbia man he had won a large prize but needed to send \$1,800 for taxes on the award is extradited from Florida to stand trial. On **Nov. 19**, he is indicted by a Boone County jury.

**June 16:** Bruce Kilgore is executed.

**June 16:** Continental Grain agrees to reopen its Gallatin office with 25 workers after Nixon said it violated the conditions of a state loan.

**June 25:** A proposed settlement agreement is filed to resolve a class-action suit by more than 2,000 Missouri inmates previously housed in Texas prisons. The Texas defendants would pay \$2.2 million and the Missouri defendants nothing.

**June 28:** A group of businesses is sued to stop them from using deceptive and illegal prize contests, telephone solicitations and sales presentations to sell travel services and timeshare memberships.

**June 28:** A St. Peters business owner is charged with a criminal violation of Missouri's Clean Water Law for discharging waste carpet-cleaning solution into a creek.

**June 30:** A Rich Woods man who failed to install or properly install fences after he was paid is sued.

**June 30:** Robert Walls is executed.

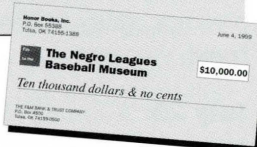
**June 30:** The city of Glasgow is ordered to pay \$12,000 in permit fees owed to the Department of Natural Resources.

**June 30:** A St. Louis County fence builder is placed on probation and ordered to pay \$6,818 for doing no work or performing shoddy and incomplete work.

**June 30:** Two St. Louis roofers are ordered to pay \$55,114 and prohibited from working as contractors for at least three years.

## JULY

**July 1:** Nixon directs \$10,000 from a settlement with a Tulsa publisher to go to the Negro Leagues Baseball Museum in Kansas City. The publisher fraudulently used St. Louis Cardinal Mark McGwire's name to sell a book.



**July 1:** American Family Publishers agrees to change its mailings and pay \$265,000 to resolve allegations that its promotions were deceptive and misleading.

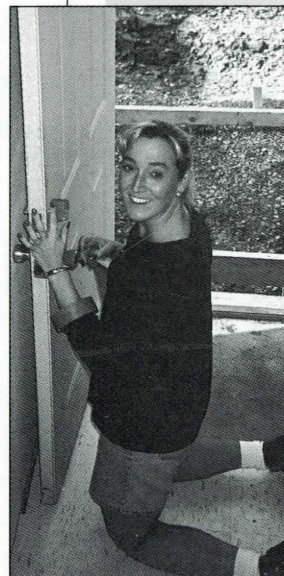
**July 1:** A fraudulent consumer "hot line" used to mislead vacation package purchasers is shut down in Springfield.

**July 1:** A roofer who contracted with Kansas City-area residents and churches pleads guilty to two criminal counts of unlawful merchandising practices.

**July 6:** John Smith is sentenced to death by a Lewis County jury after being found guilty of murdering his ex-girlfriend and her stepfather.

**July 7:** Litigation attorneys file notice to appeal a ruling that would require Missouri farmers to pay an additional \$5 million to \$10 million in property taxes each year. On **Aug. 31**, the court reverses the lower court ruling. Farmers will not have to pay additional taxes.

**July 7:** A San Antonio pharmacy is ordered to stop using the Internet to illegally sell prescription drugs in Missouri. On **Oct. 25**, the pharmacy is ordered to pay the state \$15,000.



## Helping Habitat for Humanity

Attorneys Julie Ludlum (above), Karla Boresi (left) and other staffers in the St. Louis office helped construct a Habitat for Humanity home for a mother and her two children in St. Louis.

1999

Year-end review





### SHOW-ME STATE GAMES TORCH RUN

**Attorney General** Nixon and consumer protection intern Danielle Thomas (second from left) lead the first leg of the Show-Me State Games torch run from the State Capitol in Jefferson City to Columbia.

**July 8:** A former St. Peters contractor is sentenced to 20 days in jail and ordered to turn over \$12,000 in a cash bond for violating his probation.

**July 9:** A Kansas speech therapist agrees to surrender her license and pay \$100,000 to the state after pleading guilty to Medicaid fraud.

**July 12:** Retirement Homesites is sued for allegedly using fraudulent means to sell advertising for vacation property.

**July 13:** Two travel companies and their spokesman, Robin Leach, are sued for misleading consumers to believe they had won free or reduced-cost cruises and trips.

**July 15:** A contractor is sentenced to five years in prison for taking thousands of dollars to install worthless lightning rods on homes and chicken coops in Jefferson County.

**July 15-16:** Nixon co-hosts a national workshop with the National Association of Attorneys General in Kansas City to address the regulation of corporate farms.

**July 23:** Nixon asks more than 50 southwest Missouri mayors and community leaders to join him in objecting to federal government plans that would allow tribes to acquire state lands to operate casinos.

**July 28:** A Morgan County professional counselor is ordered to pay \$25,000 and placed on probation after pleading guilty to Medicaid fraud.

**July 29:** A former Warsaw city prosecutor is given a 13-year sentence after being found guilty of conspiracy to commit murder and unlawful use of a weapon.

**July 29:** Knoll Pharmaceutical Co. agrees to pay Missouri more than \$1 million for suppressing information that a generic drug it produced was as effective as its higher-priced name-brand drug.

**July 29:** Chief Counsel Joe Bindbeutel and his Environmental Protection Division receive the 1999 Governor's Award for Quality and Productivity.

**July 30:** A St. Louis contractor who did not complete work or refund more than \$25,000 is sued.

## AUGUST

**Aug. 11:** A Missouri company that sold hot-air balloon rides but never provided the rides or gave refunds is ordered to pay \$120,000.

**Aug. 25:** A private collection agency using a name similar to a government agency agrees to change its name and pay attorney fees.

## SEPTEMBER

**Sept. 1:** David Leisure is executed.

**Sept. 2:** A contractor who did not perform or complete agreed-upon driveway work for consumers must pay attorney fees and restitution.

**Sept. 15:** Three Farmington nursing homes are placed in receivership because the operator would not meet payroll, possibly leaving residents without care.



**Sept. 21:** Carl Hollis is sentenced to life in prison without parole after being convicted of fatally shooting two people in 1998.

**Sept. 22:** A federal court grants a motion to send an Internet gambling case back to state courts. The judge agrees that a federal Indian gaming law does not apply.

**Sept. 27:** Two Blue Springs contractors are sued for helping homeowners fraudulently obtain loans but then keeping all loan proceeds and performing shoddy or incomplete work. On **Dec. 7**, one contractor agrees to pay more than \$63,000 in restitution.

**Sept. 30:** Mazda agrees to change its auto lease advertisements and pay \$50,000 to Missouri for violating a 1996 agreement.

## OCTOBER

**Oct. 6:** The AG's Office begins a review of the proposed purchase of Murphy Family Farms by Smithfield Foods for compliance with state antitrust and corporate farming laws.

**Oct. 8:** A Lewis County fertilizer manufacturer is sued for allowing contaminated storm water to flow into the Missouri River.

**Oct. 12:** Missouri obtains more than \$289,000 from Walgreen Co. to resolve allegations the company billed Medicaid for more medication than it dispensed.



### HONORING EMPLOYEES

Attorney General Nixon honored consumer investigator Tonya Holmes and eight other co-workers for their 20-plus years of service. Holmes has worked for the office for 25 years.

**Oct. 12:** Two Kansas builders agree to pay more than \$21,000 for performing shoddy workmanship and not honoring warranties on new homes.

**Oct. 13:** Criminal charges are filed against a Waynesville social worker for defrauding the Medicaid program.

**Oct. 14:** A former aide at a New Madrid nursing home is arraigned on three criminal counts of abusing a person receiving health care.

**Oct. 15:** Publishers Clearing House is sued for using deceptive sweepstakes mailings to defraud Missourians of millions of dollars.

**Oct. 18:** IKON Office Solutions is sued for defaulting on its obligations under a 1997 state block grant. On **Dec. 23**, IKON agrees to pay back \$500,000 to the state.

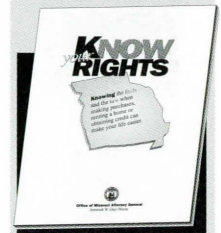
**Oct. 18:** A Kansas City dry cleaner is sued for air pollution and failing to control hazardous chemicals.

**Oct. 22:** The owner of a closed landfill in Camden County is sued for failing to control the migration of methane gas.

**Oct. 22:** Consumer attorneys help Massachusetts officials confiscate and examine computer evidence taken from a Smithville teen. The teen used the Internet to threaten Massachusetts students and their teachers and to direct the students to child porn sites. On **Nov. 10**, the teen is indicted by a Clay County jury.

**Oct. 25:** A Lake Winnebago contractor is sentenced to five years in prison for failing to pay restitution and penalties ordered in a 1998 home repair fraud judgment.

**Oct. 29:** A Bridgeton print shop is sued for not properly disposing of hazardous waste.



### New book for Missouri consumers

The Consumer Protection Division produced a new publication, Know Your Rights, that covers the most common scams and gives the law and consumers' rights on issues such as credit, housing, purchases and employment.

1999

Year-end review



## NOVEMBER

**Nov. 1:** A trailer manufacturer pays \$42,400 to schools in McDonald and Newton counties for hazardous waste violations.

**Nov. 1:** A Cole County judge affirms the decision of the Board of Healing Arts to revoke the license of a doctor who had falsified eight autopsy reports.

**Nov. 8:** A former police officer pleads guilty to three counts of felony stealing after pilfering funds from a volunteer search and rescue squad in Sikeston. On **Dec. 20**, he is sentenced to three years in prison.

**Nov. 12:** A Clinton County jury re-convicts Mark Woodworth of second-degree murder and recommends the maximum punishment in the retrial of a 1990 Livingston County murder.

**Nov. 15:** Nixon joins 20 other attorneys general in filing comments in federal court objecting to the Publishers Clearing House class-action settlement.

**Nov. 18:** The state receives more than \$144,000 in a multistate settlement with a billing service that allegedly defrauded the Medicaid program by overbilling for emergency room charges.

**Nov. 19:** Osceola Products Co. must reimburse \$25,000 to the Department of Natural Resources for response costs from a 1996 cottonseed oil fire in Kennett.

**Nov. 19:** Environmental attorneys ask that Simmons Foods be found in contempt of court for violating water pollution standards at its poultry processing plant near Southwest City.

**Nov. 23:** A federal appeals court lets eight DWI license suspensions stand, ruling breath tests the trial court ruled inadmissible were admissible.

**Nov. 29:** Procure Clinic for Men and a Houston doctor and pharmacy are enjoined from using the Internet to illegally provide prescription drugs to Missourians.

**Nov. 30:** A Texas company that offered what appeared to be pre-approved credit cards but were not agrees to provide refunds and pay the state \$40,000.

**Nov. 30:** A federal appeals court denies a hardship license to a man who had refused to take a chemical test four times during his DWI suspension.



## PREMIUM STANDARD FARMS PAYS LARGEST FINE IN HISTORY

Environmental Protection Division attorneys worked to bring the state's largest hog producer, Premium Standard Farms, in compliance with state laws. Spring Creek (left) was contaminated by runoff from a Sullivan County plant.

**Jan. 19:** Division attorneys sue Premium Standard Farms for environmental violations and ask the court to stop breeding operations on the farm until it implements a court-approved waste management plan. PSF had permitted repeated waste spills, failed to report 11 spills quickly or at all and had sprayed too much waste as fertilizer on nearby farm land.

**July 29:** To resolve the lawsuit, PSF agrees to pay the state \$1 million in fines, the largest penalty ever collected from a corporate farm, and to invest \$25 million in next-generation waste treatment technology. The technology will be approved and supervised by a team of outside experts.

**Aug. 3:** Judge Edith Messina approves the settlement.

**Sept. 21:** The court approves the team of experts to oversee Premium's waste technology. They are professors John Sweet from Texas A&M, Larry Jacobson, University of Minnesota, and C.M. Williams, North Carolina State.

**Nov. 30:** The team holds its first public meeting to gather input on Premium's waste technology proposal.



**Dec. 3:** Nixon joins 49 other attorneys general to urge federal officials to stop the importing of flavored, hand-rolled cigarettes called bidis.

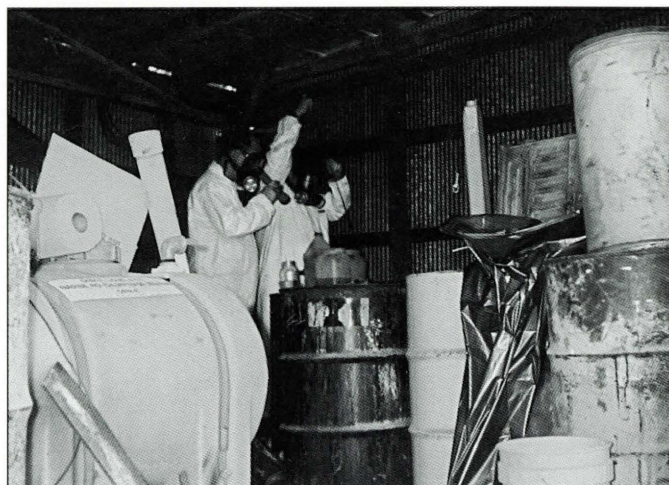
**Dec. 7:** A St. Louis County dentist is ordered to pay \$21,548 in double damages and prohibited from participating in Medicaid for eight years for submitting false claims.

**Dec. 7:** A man's DWI conviction is successfully defended in a state appeals court. After wrecking his car, the man was arrested at home hours later after he drank "a few more beers."

**Dec. 8:** A Blue Springs man who used an investment scam to resell high school letter jackets pleads guilty to five counts of felony stealing.

**Dec. 8:** A service that billed consumers for unordered credit card services must pay restitution and \$6,500 to the state. It is prohibited from offering credit card services in Missouri.

**Dec. 15:** Nixon and other staffers join the American Association of Retired Persons in a reverse boiler room to warn Kansas City-area residents about charity scams.



## CHEMICAL STORAGE

Cape Chemical Co. of Cape Girardeau was ordered on Dec. 29 to improve its storage practices and pay \$47,041. It improperly stored chemicals that released dinoseb, a carcinogenic herbicide.

**Dec. 15:** Nixon unveils an Internet 2000 Crime Bill to update and create laws protecting Missouri's computer users from crimes such as cyberstalking, child porn trafficking and identity theft.

**Dec. 16:** A Shelby County man pleads guilty to 10 criminal counts for fraudulently advertising model die-cast racing cars on the Internet.

**Dec 22:** The state files a motion to intervene on behalf of the Wright County Library Board in its suit to recover the copyrights and royalties bequeathed to it by Laura Ingalls Wilder.

**Dec. 27:** Bass Pro Shop and Triad Discount Buying agree to pay the state \$20,000. The companies billed consumers for free or unauthorized buyers club memberships.

**Dec. 27:** A Cole County judge grants the state's motion to dismiss the St. Louis School Board's lawsuit challenging the constitutionality of Missouri's charter school statutes.

**Dec. 29:** Two out-of-state companies are sued for cramming Missouri business telephone bills with unauthorized Web site charges.

**Dec 29:** Missouri wins \$255,361 in a multistate settlement with Genentech Inc., resolving allegations the drug maker promoted a human growth hormone for uses not approved by the Food and Drug Administration.





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